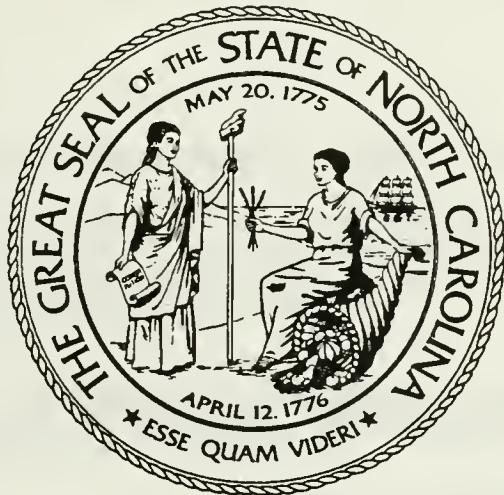


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JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE



REPORT TO THE
1991 GENERAL ASSEMBLY
OF NORTH CAROLINA
1992 SESSION

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NORTH CAROLINA GENERAL ASSEMBLY

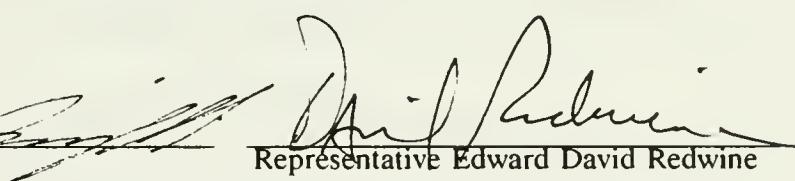
May 26, 1992

TO THE MEMBERS OF THE 1992 GENERAL ASSEMBLY (REGULAR SESSION):

Pursuant to Section 12.1. of Part XII of Chapter 802 of the 1989 Session Laws (G.S. 120-70.60, et seq.), as amended, the Joint Legislative Commission on Seafood and Aquaculture hereby submits its report of recommendations and findings to the 1992 Regular Session of the General Assembly.

Respectfully submitted,


Senator Marc Basnight


Representative Edward David Redwine

Cochairmen

Joint Legislative Commission on Seafood and Aquaculture

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INTRODUCTION

The Joint Legislative Commission on Seafood and Aquaculture, (hereinafter the "Joint Legislative Commission") has been a permanent study commission since 1989. The authorizing legislation for the Joint Legislative Commission may be found in Art. 12F of Chapter 120 of N.C.G.S. 120-70.60, et seq. (see Appendix A). The membership of the Joint Legislative Commission increased from 12 to 15 in 1991 and appointments may be described as follows: four members appointed by the President Pro Tempore of the Senate; four members appointed by the Speaker of the House; four members appointed by the Governor; and three members appointed by the Commissioner of Agriculture (see Appendix B). Senator Marc Basnight of Dare County and Representative David Redwine of Brunswick County were appointed co-chairmen in 1991.

Recognizing the importance of the fishing industry to this State and understanding that the seafood industry has declined over the past 10 years, the Joint Legislative Commission was made into a permanent study commission. The purpose of the Joint Legislative Commission is to monitor both the seafood and aquaculture industries on issues including: 1) increasing the State's production, processing and marketing; 2) creating a central permitting office; and 3) evaluating actions of boards, departments and commissions on seafood and aquaculture issues (the main focus has been the Division of Marine Fisheries of the Department of Environment, Health, and Natural Resources, the Marine Fisheries Commission, and the Department of Agriculture). It is important to note that while the Joint Legislative Commission is not directly responsible for individual decisions made by the Division of Marine Fisheries or the Marine Fisheries Commission, it is authorized to recommend legislative changes, to the extent possible, to address problems and concerns.

In addition to the topics described above, three specific issues were referred to the Joint Legislative Commission following the 1991 Legislative Session. The first issue, House Bill 1105, was introduced by Representative Harry Payne and concerns whether the State should require a license to sell fish taken from coastal fishing waters. The study may include, requiring licenses, license fees, implementation and collection of fees, and use of proceeds of fees. The second issue, which resulted from a recommendation of this Joint Legislative Commission, relates to the organizational structure of the Marine Fisheries Commission. Recommendations on both of these issues must be made to the 1992 General Assembly (Regular Session). Finally, a third topic for study, House Bill 1032, introduced by Representative Robert Grady, concerns transferring the authority to grant shellfish leases from the Marine Fisheries Commission to the Secretary of the Department of Environment, Health, and Natural Resources. This issue may be reported to the 1992 General Assembly or the 1993 General Assembly.

The Joint Legislative Commission focused on these issues and held four public hearings in Sunset Beach, Oriental, Beaufort, and Sneads Ferry, as well as four meetings in Raleigh, Sunset Beach, Atlantic Beach, and Beaufort. Speakers from all over the State were encouraged to discuss these topics as well as any other seafood issues. The Joint Legislative Commission heard from commercial fishermen, recreational fishermen, members of the Southeastern North Carolina Waterman's Association, members of the Cape Fear Atlantic Coast Conservation Association, members of the North Carolina Fisheries Association, members of the North Carolina Fisheries Association Auxiliary, and the Division of Marine Fisheries of the Department of Environment, Health, and Natural Resources. At its final meeting prior to the 1992 Legislative Session, the Joint Legislative Commission met in Beaufort, North Carolina at the Maritime Museum to discuss freshwater and maritime aquaculture, to hear from

people with "on-hands" experience in both types of aquaculture, and to make recommendations to the 1992 General Assembly. A discussion of recommendations follows.

RECOMMENDATIONS AND DISCUSSION

Recommendation 1: The Joint Legislative Commission recommends that the 1992 Session of the General Assembly enact Legislative Proposal I entitled, "AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR A SHELLFISH ENHANCEMENT PROGRAM."

Dr. Charles Peterson, Professor of Marine Sciences, Biology, and Ecology, Institute of Marine Sciences at The University of North Carolina, presented a proposal for a shellfish enhancement research project concerning oysters, bay scallops and clams. The project covers a three-year period. Funds for the first year of the project in the amount of \$231,889 were requested.

The Joint Legislative Commission finds that the quality and quantity of naturally-grown oysters in this State has steadily declined due to water pollution, disease, and other environmental factors. Research has shown that technology has advanced to the point that a qualified aquaculturalist can produce seed oysters on demand for virtually unlimited growth and production. This is an untapped resource. In addition, seed oysters produced from hatcheries can be genetically selected for disease resistance. Much of this technology could be used in propagating oysters in privately-owned shellfish lease areas. Further research would be a significant enhancement in oyster technology.

The Joint Legislative Commission finds that following the red tide outbreak, recovery of bay scallops has been extremely slow. Experts estimate that it will take more than 20 years for a full recovery at a natural rate of recovery of the bay scallops. There are few studies concerning the life cycle of bay scallops. This information is crucial in managing bay scallops. The Joint Legislative Commission supports a study in which bay scallops are transplanted from donor sites and later tested for survival.

The Joint Legislative Commission finds that while the Division of Marine Fisheries has planted clam seeds in the past, there has not been an effective method to test the results of the planting. The Joint Legislative Commission endorses a research project which would plant clam seeds and then evaluate the bioeconomic feasibility and returns from seeding. This project would assist in obtaining crucial information to help improve the sea clam's survival rate in nature.

The Joint Legislative Commission finds that it is crucial to invest in developing aquaculture in oysters, clams, and bay scallops in order to assure a place in the seafood market. A combined shellfish enhancement project such as this would provide information necessary to help revitalize the seafood industry and increase production of oysters, bay scallops, and clams.

Recommendation 2: The Joint Legislative Commission recommends that the composition of the Marine Fisheries Commission remain the same at the present time, and that the Joint Legislative Commission continue to monitor its progress toward implementing a fair marine fisheries program representative of all interests.

Over the past several years there have been numerous complaints that the representation of the Marine Fisheries Commission leaned too heavily toward commercial fishermen and that communication between the Division of Marine Fisheries and the Marine Fisheries Commission were poor. During the 1991 Legislative Session, a number of proposals were discussed including, abolishing the Marine Fisheries Commission, creating an advisory board, or combining the two. In 1991, the Governor made four new appointments to the Marine Fisheries Commission, three of whom were recreational fishermen, in an attempt to address some of these concerns. Also, the Chairman, who is not allowed to vote, was moved from a recreational seat to an at-large seat.

In addition, to address concerns raised by this Joint Legislative Commission that members of the Marine Fisheries Commission were not attending public hearings or meetings, and therefore could not make informed decisions, a new policy was established.

During the public hearings, the Joint Legislative Commission heard from a number of people that said, while the Marine Fisheries Commission is not perfect, it has improved and the organizational structure should remain the same for the time being. One issue that the Joint Legislative Commission feels merits further study concerns a request from a newly formed group called the North Carolina Fisheries Auxiliary Association. This group is comprised of spouses, friends and families of commercial fishermen. The Auxiliary plans to represent the interests of commercial fishermen at meetings and public hearings when the fishermen are unable to attend. Several members of the Auxiliary described the difficulties of a fisherman's life and requested that the Joint Legislative Commission consider putting a member of the Auxiliary on the Marine Fisheries Commission (either in a Commercial Fisherman slot, an At-Large seat, or increasing the membership). The Joint Legislative Commission plans to continue to monitor the composition of the Marine Fisheries Commission.

Recommendation 3: The Joint Legislative Commission recommends that the General Assembly enact Legislative Proposal II entitled, "AN ACT TO AMEND THE GENERAL STATUTES RELATING TO SHELLFISH LEASES."

The Marine Fisheries Division of the Department of Environment, Health, and Natural Resources requested that the Joint Legislative Commission recommend legislation to make two clarifications to the North Carolina General Statutes. The first change amends G.S. 113-184(a) and would exempt a privately held shellfish bottom leaseholder from the prohibition of using scoops, scrapes, dredges or winders during

the regularly closed oyster season. This would allow the leaseholder to take oysters on privately held leases whenever the oysters were ready for market instead of only during the regular season.

The second change amends G.S. 113-202(n) concerning final termination of a shellfish bottom lease and the responsibility to remove abandoned markers. At present, Agents of the Secretary must remove the markers at the State's expense. This bill requires that upon final termination of a lease, the former leaseholder must remove all abandoned markers denominating the area of the leasehold as a private bottom. In the event that the former leaseholder fails to remove the markers, the State may remove them and the cost of the removal and cleanup shall be payable by the former leaseholder.

Recommendation 4: The Joint Legislative Commission recommends that the General Assembly enact Legislative Proposal III entitled, "AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE SEAFOOD LABORATORY PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA."

The Joint Legislative Commission finds that the Seafood Laboratory Program at North Carolina State University, located in Morehead City, provides essential services for the seafood industry in this State. Such services include extension education, and an applied research program used to assist fishermen. This program currently obtains its funding from grants outside The University System. The Joint Legislative Commission finds that the funding of this program should be made permanent and recommends legislation appropriating \$186,000 to The Board of Governors of The University of North Carolina for the Seafood Laboratory Program at North Carolina State University for operating expenses.

Recommendation 5: The Joint Legislative Commission recommends that the General Assembly continue to study a statewide license to sell fish.

During the four public hearings, the license to sell fish was the most controversial topic before the Joint Legislative Commission. A majority of the public speakers supported a license to sell, but the details were more difficult to reach an agreement on. All speakers agreed that the Marine Fisheries Commission and the Division of Marine Resources lacked adequate information to make decisions concerning fisheries management of the resource. Most people support a license that will provide necessary data for proper management and will improve the industry provided the following conditions are met: 1) the fee for the license must be minimal; and 2) the license should be required of all persons who sell fish.

There was substantial disagreement over whether there should be a requirement that 50% of a person's income be derived from commercial fishing. A number of full-time commercial fishermen favored that provision, while part-time commercial fishermen and recreational fishermen saw the provision as a form of limited entry which would eliminate them.

Committee Counsel provided members with a draft proposal for discussion purposes that took into consideration the provisions that the public agreed on. The proposal provided that: 1) the license fee for residents of this State be \$35 and for nonresidents \$150; 2) the license must be obtained by any and all persons who sold fish; 3) fish could only be sold to a licensed fish dealer; 3) all exemptions for selling fish other than oysters and clams (there is currently a \$500 exemption) were removed. The proposal provides that any person who sells fish without a license would be subject to misdemeanor charges.

While the Joint Legislative Commission agreed that the proposal contained a number of acceptable provisions for a license to sell, there were a number of major

issues yet to be addressed. Some of these issues include: 1) how the State will separate Commercial Fishermen from Recreational Fishermen for quota purposes; 2) whether there should be limited exemptions (e.g., there was no exemption for minors who sold fish without a license to sell. Thus, under the proposal, the minor would be subject to misdemeanor charges); 3) whether a person should be required to obtain a license for certain gear; 4) the need for a procedure in the bill concerning the administration of the license including the issuance of income tax forms to ensure that people pay taxes on what they sell; and 5) whether the term "coastal water" is too restrictive.

The Joint Legislative Commission finds that a license to sell will significantly impact fishermen in this State. While such a license is important and needs to be addressed as soon as possible, a hasty decision that has not resolved important issues would be unwise. Therefore, the Joint Legislative Commission recommends that it continue to study the license to sell, that it come to a consensus on the issue, and that it makes final recommendations to the 1993 General Assembly.

Additional Recommendations: The Joint Legislative Commission recommends that it study the following issues and report its recommendations to the 1993 General Assembly: 1) the effectiveness of the State's seafood marketing program; 2) the proclamation authority by the Director of the Division of Marine Fisheries; 3) whether the State should require a recreational saltwater license; and 4) whether the authority to grant shellfish leases should be transferred from the Marine Fisheries Commission to the Secretary of the Department of Environment, Health, and Natural Resources.

APPENDIX A

§120-70.60

GENERAL ASSEMBLY

§120-70.71

ARTICLE 12F.

Joint Legislative Commission on Seafood and Aquaculture.

§ 120-70.60. Committee established.

Editor's Note. —

Session Laws 1991, c. 135, ss. 1 and 2, provide "Section 1. In addition to the powers and functions set forth in Article 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and Aquaculture shall study the organizational structure of the Marine Fisheries Commission and may make recommendations to the General Assembly including, but not limited to,

reorganizing or abolishing the Commission, creating an advisory commission, and studying the relationship between the Division of Marine Fisheries of the Department of Environment, Health, and Natural Resources and the Commission.

"Sec. 2 The Commission shall report its findings, together with any recommended legislation to the 1992 General Assembly."

§ 120-70.61. Membership; cochairmen; vacancies; quorum.

The Joint Legislative Commission on Seafood and Aquaculture shall consist of 15 members: four Senators appointed by the President Pro Tempore of the Senate; four Representatives appointed by the Speaker of the House of Representatives; four members appointed by the Governor; and three members appointed by the Commissioner of Agriculture. The members shall serve at the pleasure of their appointing officer. The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Vacancies occurring on the Commission shall be filled in the same manner as initial appointments. A quorum of the Commission shall consist of eight members. (1989, c. 802, s. 12.1; 1991, c. 689, s. 184.1.)

Editor's Note. — Session Laws 1991, c. 689, s. 353 is a severability clause.

Effect of Amendments. — The 1991 amendment, effective July 1, 1991, sub-

stituted "15" for "four"; substituted "four" for "three" in three places; substituted "three" for "two"; and substituted "eight" for "aix".

§120-70.62

ART. 12F. SEAFOOD AQUACULTURE

§120-70.62

sure of their appointing officer. The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Vacancies occurring on the Commission shall be filled in the same manner as initial appointments. A quorum of the Commission shall consist of six members. (1989, c. 802, s. 12.1.)

§ 120-70.62. Powers and duties.

- The Commission shall have the following powers and duties:
- (1) To monitor and study the current seafood industry in North Carolina including studies of the feasibility of increasing the State's production, processing, and marketing of seafood;
 - (2) To study the potential for increasing the role of aquaculture in all regions of the State;
 - (3) To evaluate the feasibility of creating a central permitting office for fishing and aquaculture matters;
 - (4) To evaluate actions of the Marine Fisheries Division of the Department of Environment, Health, and Natural Resources, the Wildlife Resources Commission of the Department of Environment, Health, and Natural Resources and of any other board, commission, department, or agency of the State or local government as such actions relate to the seafood and aquaculture industries;
 - (5) To make recommendations regarding regulatory matters relating to the seafood and aquaculture industries including, but not limited to:
 - a. Increasing the State's representation and decision-making ability by dividing the State between the Atlantic and South Atlantic regions of the National Division of Marine Fisheries; and
 - b. Evaluating the necessity to substantially increase penalties for trespass and theft of shellfish and other aquaculture products;
 - (6) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the seafood and aquaculture industries;
 - (7) To review existing and proposed State law and rules affecting the seafood and aquaculture industries and to determine whether any modification of law or rules is in the public interest;
 - (8) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
 - (9) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental Operations, and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate. (1989, c. 802, s. 12.1.)

§120-70.63

CH. 120. GENERAL ASSEMBLY

§120-70.70

§ 120-70.63. Additional powers.

The Commission, while in the discharge of official duties, may exercise all the powers of a joint committee of the General Assembly provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call of either cochairman, whether or not the General Assembly is in session. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. (1989, c. 802, s. 12.1.)

§ 120-70.64. Compensation and expenses of members.

Members of the Commission shall receive per diem and travel allowances in accordance with G.S. 120-3.1 for members who are legislators, and shall receive compensation and per diem and travel allowances in accordance with G.S. 138-5 for members who are not legislators. (1989, c. 802, s. 12.1.)

§ 120-70.65. Staffing.

The Legislative Administrative Officer shall assign as staff to the Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Commission through the Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. The expenses of employment of clerical staff shall be borne by the Commission. (1989, c. 802, s. 12.1.)

§ 120-70.66. Funding.

From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the Joint Legislative Commission on Seafood and Aquaculture. (1989, c. 802, s. 12.1.)

§§ 120-70.67 to 120-70.69: Reserved for future codification purposes.

ARTICLE 12G.

Commission on the Family.

§ 120-70.70. Commission established.

The Commission on the Family is hereby established as a permanent commission. As used in this Article, the term "Commission" means the Commission on the Family. (1989, c. 802, s. 10.1.)

Editor's Note. — Session Laws 1989, c. 802, s. 25.1 makes this Article effective July 1, 1989.

Session Laws 1989, c. 802, s. 10.3 pro-

vides that funds appropriated to the Commission on Children and Youth are transferred to the Commission on the Family.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

H

2

HOUSE BILL 1105
Committee Substitute Favorable 5/14/91

Short Title: Marine Fisheries License To Sell.

(Public)

Sponsors:

Referred to:

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO STUDY WHETHER THE STATE SHOULD REQUIRE A LICENSE
3 TO SELL FISH TAKEN FROM COASTAL FISHING WATERS.
4 The General Assembly of North Carolina enacts:
5 Section 1. In addition to the powers and functions set forth in Article
6 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on
7 Seafood and Aquaculture shall study whether the state should require a license to sell
8 fish taken from coastal fishing waters and shall make recommendations to the
9 General Assembly including, but not limited to, requiring licenses, license fees,
10 implementation and collection of fees, and use of proceeds from fees. The
11 Commission shall report its findings and recommendations to the 1992 Genera
12 Assembly.
13 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION
RATIFIED BILL

CHAPTER 135
HOUSE BILL 570

AN ACT TO STUDY THE ORGANIZATIONAL STRUCTURE OF THE MARINE FISHERIES COMMISSION AND THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. In addition to the powers and functions set forth in Article 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and Aquaculture shall study the organizational structure of the Marine Fisheries Commission and may make recommendations to the General Assembly including, but not limited to, reorganizing or abolishing the Commission, creating an advisory commission, and studying the relationship between the Division of Marine Fisheries of the Department of Environment, Health, and Natural Resources and the Commission.

Sec. 2. The Commission shall report its findings, together with any recommended legislation to the 1992 General Assembly.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of May, 1991.

JAMES C. GARDNER

James C. Gardner
President of the Senate

DANIEL BLUE, JR.

Daniel Blue, Jr.
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

H

2

HOUSE BILL 1032
Committee Substitute Favorable 5/15/91

Short Title: Shellfish Lease Authority.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO STUDY THE AUTHORITY VESTED IN THE MARINE FISHERIES
3 COMMISSION TO GRANT SHELLFISH LEASES AND WHETHER THAT
4 AUTHORITY SHOULD BE TRANSFERRED TO THE SECRETARY OF THE
5 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
6 RESOURCES.

7 The General Assembly of North Carolina enacts:

8 Section 1. In addition to the powers and functions set forth in Article
9 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on
10 Seafood and Aquaculture shall study the authority vested in the Marine Fisheries
11 Commission to grant shellfish leases and whether that authority should be transferred
12 to the Secretary of the Department of Environment, Health, and Natural Resources.

13 Sec. 2. The Commission may report to the 1992 General Assembly, and
14 shall report on the first day the 1993 Legislative Session commences on its findings
15 together with any recommended legislation.

16 Sec. 3. This act is effective upon ratification.

**JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE
MEMBERSHIP - 1991-1992**

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Clerk:

Ms. Ann Jordan
(919) 733-5821

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1992

DRAFT FOR REVIEW ONLY

S/H

S/H 001-RDQ-002
THIS IS A DRAFT 13-MAY-92 16:57:08

Short Title: Shellfish Enhancement Funds. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR A SHELLFISH ENHANCEMENT PROGRAM.

3 Whereas, the quality and quantity of naturally-grown
4 oysters, bay scallops and clams have steadily declined due to
5 disease, pollution, and overfishing; and

6 Whereas, marine resources play a crucial role in this
7 State's economic growth; and

8 Whereas, it is important for the State to invest in
9 research based on aquaculture technology and scientific
10 evaluation of fisheries management practices in order to reverse
11 the demise of the shellfish industry;

12 NOW, THEREFORE,

13 The General Assembly of North Carolina enacts:

14 Section 1. (a) There is appropriated from the General
15 Fund to the Board of Governors of The University of North
16 Carolina the sum of two hundred thirty-one thousand eight hundred
17 eighty-nine dollars (\$231,889) for the Cooperative Institute for
18 Fisheries Oceanography to operate a shellfish enhancement program
19 for the 1992-93 fiscal year. Funds appropriated under this
20 section may be used for personnel and administrative costs.

21 (b) In the event across-the-board cuts are requested in the
22 budget of The University of North Carolina, funds appropriated
23 for the shellfish enhancement program shall not be reduced or
24 otherwise effected.

25 Sec. 2. This act shall become effective July 1, 1992.

DRAFT
FOR REVIEW ONLY

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1992

D

92-RDZ-012
THIS IS A DRAFT 8-MAY-92 17:38:36

Short Title: Shellfish lease amendments. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE GENERAL STATUTES RELATING TO SHELLFISH
3 LEASES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113-184(a) reads as rewritten:

6 "(a) It is unlawful to carry aboard any vessel subject to
7 licensing requirements under Article 14 under way or at anchor in
8 coastal fishing waters during the regular closed oyster season
9 any scoops, scrapes, dredges, or winders such as are usually or
10 can be used for taking oysters. Provided that when such vessels
11 are engaged in lawfully permitted oyster harvesting operations on
12 any privately held shellfish bottom lease under G.S. 113-202 or
13 G.S. 113-205, the vessel shall be exempt from this requirement."

14 Sec. 2. G.S. 113-202(n) reads as rewritten:

15 "(n) Upon final termination of any leasehold, the bottom in
16 question is thrown open to the public for use in accordance with
17 laws and rules governing use of public grounds generally. Agents
of the Secretary are required as soon as possible after
termination of lease to remove all markers denominating the area
of the leasehold as a private bottom. Within thirty days (30) of

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1992

1 final termination of the leasehold, the former leaseholder shall
2 remove all abandoned markers denominating the area of the
3 leasehold as a private bottom. The State may, after 10 days'
4 notice to the owner of the abandoned markers thereof, remove the
5 abandoned structure and have the area cleaned up. The cost of
6 such removal and cleanup shall be payable by the owner of the
7 abandoned markers and the State may bring suit to recover the
8 costs thereof."

9 Sec. 3. This act is effective upon ratification.
10

LEGISLATIVE PROPOSAL III

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1992

S/H

S/H 001-RDQ-008
THIS IS A DRAFT 15-MAY-92 09:39:49

DRAFT
FOR REVIEW ONLY

Short Title: Seafood Laboratory Funds. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE
3 UNIVERSITY OF NORTH CAROLINA FOR THE SEAFOOD LABORATORY PROGRAM
4 AT NORTH CAROLINA STATE UNIVERSITY.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund
7 to the Board of Governors of The University of North Carolina the
8 sum of one hundred eighty-six thousand dollars (\$186,000) for the
9 Seafood Laboratory Program in the Department of Food Science,
10 College of Agriculture and Life Science at North Carolina State
11 University to provide extension education, and an applied
12 research program for the North Carolina seafood industry. Funds
13 appropriated under this section may be used for operational
14 expenses.

15 Sec. 2. This act becomes effective July 1, 1992.

